

3078  
FILED WITH THE BOARD OF  
PSYCHOLOGICAL EXAMINERS  
ON Feb. 21, 2008



JON S. CORZINE  
Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Psychological Examiners  
124 Halsey Street, 6th Floor, Newark, NJ 07102

January 8, 2008



ANNE MILGRAM  
Attorney General

LAWRENCE DEMARZO  
Acting Director

Mailing Address:  
P.O. Box 45017  
Newark, NJ 07101  
(973) 604-8470

By Certified and Regular Mail

Dr. George Ackley, Ph.D.  
P.O. Box 339  
Cape May Court House, NJ 08210

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Ackley:

This letter is to advise you that the New Jersey State Board of Psychological Examiners (the "Board") has had an opportunity to review information concerning a complaint filed by S. P. regarding the psychological services that you provided to her daughters S.W. and L.W. by virtue of the Court Order designating you to conduct family therapy. Ms. P. alleges that you failed to address issues regarding parenting issues of the children's father and that you failed to produce copies of the children's client records which were requested on several occasions. Specifically, the information reviewed included the Court Order filed on October 18, 2005 by the Honorable Charles Middlesworth, Jr., designating you to perform family therapy, the July 12, 2007 letter notifying the Court about termination of treatment and the written response to the Board which confirmed that you were appointed to conduct family therapy and that consultation services were provided to the parents, and "supportive talk-listening to the daughters." You also confirmed that you did not write any reports nor did you prepare an evaluation in this case. Additionally, you confirmed that at the time of the termination of this case you wrote a letter to the Atlantic County Family Court apprising the court of your reasons for termination of therapy. As a supplement to your written response to the Board, your attorney, Mr. Amdur submitted correspondence confirming that you had "not supplied the complainant with the copies of her daughters treatment records or husband's treatment records due to concerns of confidentiality."

Upon review of all available information, it appears to the Board that you have included language in the letter to the court that was evaluative in nature concerning the father in this matter in violation of the February 7, 2005 Consent Order wherein you voluntarily agreed to cease and desist from performing child custody evaluations. In the last paragraph of the July 12, 2007 letter to the Honorable Charles Middlesworth, Jr. you wrote:

"In brief summary then there is no credible evidence that either S. or L. W. were traumatized at any time by their father Mr. W."

This language appears to the Board to constitute an evaluation of the parent. Based on the terms of the previous Consent Order that you entered into with the Board, it would have been more prudent for you to have made a recommendation to the Court that an independent review of the father be ordered instead of evaluating the situation yourself. Therefore, the Board admonishes you to be mindful in the future regarding making evaluative statements which violate the terms of the Consent Order you previously entered into with the Board.

It also appears to the Board that your failure to release the requested client records to the complainant is a violation of N.J.A.C. 13:42-8.3 which requires a licensed psychologist to release client records no later than thirty days from the date of receipt of the request. The daughter's records should have been released to the complainant and if you had an issue of confidentiality with the portion of the record dealing with the father you could have produced either a summary or you could have withheld information for the reasons set forth in N.J.A.C. 13:42-8.3 (e).

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from failure to timely releasing client records within the time frame set forth in N.J.A.C. 13:42-8.3.
2. An admonishment is hereby issued for violation of a Consent Order constituting professional misconduct in violation of N.J.S.A. 45:1-21(e) in that you included evaluative language to the Court regarding a parent when a recommendation to the Court that an independent evaluation be performed would have been within the parameters of the Consent Order entered into with the Board on February 7, 2005.
3. Pay a civil penalty in the amount of \$500.00 which represents a penalty for violating the terms of the Board's previous consent order in violation of N.J.S.A. 45:1-21(e) and for failing to adhere to the time frame for release of client records established in N.J.A.C. 13:42-8.3 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter. Payment is to be remitted to the attention of J. Michael Walker, Executive Director, Board of Psychological Examiners, P.O. Box 45017, Newark, New Jersey 07101.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if

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Offer of Settlement

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the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact your attorney, Mr. Amdur who can relate your concerns or to Deputy Attorney General, Carmen A. Rodriguez at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

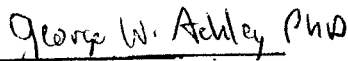
NEW JERSEY STATE BOARD OF  
PSYCHOLOGICAL EXAMINERS

By:   
Michael Walker  
Executive Director

ACKNOWLEDGMENT: I, George Ackley, Ph.D., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to an admonishment and to pay a penalty in the amount of \$500. (to be paid upon signing of this acknowledgment).

Dated:

February 6, 2008

  
George Ackley, Ph.D.

c: Richard A. Amdur, Esquire  
Carmen A. Rodriguez, Deputy Attorney General